IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :10125 of 2006

Dated:21st August 2006.

Between:

Industrial Development Bank of India Ltd.

..... PETITIONER

AND

The Deputy Commercial Tax Officer, Commercial Tax Department, Tirupathi and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO :10125 of 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Challenging the proposed action of the 1st respondent to bring the property of the 2nd respondent to sale towards the recovery of arrears of sales tax, the present writ petition is filed by one of the creditors of the 2nd respondent, claiming to be a secured creditor.

However, when the matter is taken up today, the learned counsel for the 2nd respondent placed before the Court, the proceedings of the Deputy Commercial Tax Officer, Pakala, Tirupati-II Circle, Tirupathi, dated 14-08-2006. The relevant portion of the same reads as follows:

> " M/s. Spartek Ceramics, Narasingapuram are hereby informed that the Debt Mobilisation Unit, Hyderabad has granted 8 monthly installments commencing from August, 2006, as against Entry Tax Balance of Rs.9,62,845-00. The 1st installment of Rs.1,25,000/- vide cheque No.508869 dated 12-8-2006 drawn at M/s. Bank of India, Chennai has been received in this Office.
>
> In view of the above, the proposed auction on 16-08-2006 is WITH-HELD."

In the circumstances, it is agreed that the cause of action of the writ petition does not survive and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed as having become infructuous at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

21st August 2006
mrk